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James Dzurenda and Kara LeGrand*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOHN MICHAUD,

Plaintiff,

v.

WARDEN BAKER, et al.,

Defendants.

Case No. 3:17-cv-00718-MMD-CBC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF THE 90-DAY STAY**

Defendant, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Dennis W. Hough, Deputy Attorney General, hereby move this Honorable Court for an enlargement of the stay in this matter until April 16, 2019. This motion is based on Fed. R. Civ. P. 6(b)(1), the following memorandum of points and authorities, and all papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This case is an inmate civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 9 at 1. Plaintiff, John Michaud (Plaintiff), is an inmate currently on parole. *Id.* The events at issue in Plaintiff's complaint took place at Lovelock Correctional Center. *Id.*

The Court recently set the Early Mediation Conference for April 9, 2019, at 11:30 a.m. in Courtroom Number One in the United States Courthouse, Reno, Nevada. ECF No. 12 at 1.

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II. DISCUSSION

A. Fed. R. Civ. P. 6(b)(1) Allows this Court to Extend Deadlines.

District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

“The proper procedure, when additional time for any purpose is needed, is to present to the Court a timely request for an extension before the time fixed has expired (*i.e.*, a request presented before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D.Pa. 1962). The *Canup* Court explained that “the practicalities of life” (such as an attorney’s “conflicting professional engagements” or personal commitments such as vacations, family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court deadline. *Id.* Extensions of time “usually are granted upon a showing of good cause, if timely made.” *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D.Ohio 1947). The good cause standard considers a party’s diligence in seeking the continuance or extension. *Johnson v. Mammoth Recreation, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

B. Good Cause Exists to Enlarge the Stay and Allow the Parties to Continue Settlement Negotiations.

In the present case, the 90-Day stay expires before the date currently set for an Early Mediation Conference. It is appropriate that the Court’s timelines conform to the calendar realities.

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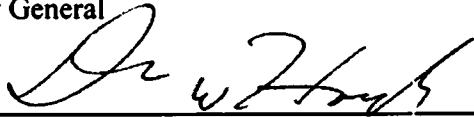
1 **III. CONCLUSION**

2 The Court should enlarge the time for stay until one week past the currently-set Early Mediation
3 Conference. The 90-Day Stay should be enlarged until April 16, 2019.

4 Dated: this 18th day of March, 2019.


5 AARON D. FORD
6 Attorney General

7 By:


8 DENNIS W. HOUGH
9 Deputy Attorney General
10 State of Nevada
11 Bureau of Litigation
12 Public Safety Division

Attorneys for Defendants

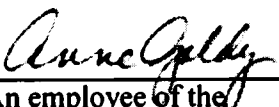
13 IT IS SO ORDERED.

14 DATED: 3/19/2019

15 U.S. MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 18th day of March, 2019, I caused to be deposited for mailing in the U.S. Mail a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF THE 90-DAY STAY**, to the following:

John Michaud
430 Lake St. Room 317
Reno, NV 89501


An employee of the
Office of the Attorney General